

AMENDED IN ASSEMBLY APRIL 16, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 229

Introduced by Assembly Member Strickland

January 29, 2007

An act to amend Section 626.10 of the Penal Code, relating to weapons.

LEGISLATIVE COUNSEL’S DIGEST

AB 229, as amended, Strickland. Prohibited weapons.

Existing law makes it a misdemeanor or a felony for a person, subject to exceptions, to bring or possess any of specified weapons including dirks, daggers, ice picks, certain knives, unguarded razor blades, tasers, stun guns, instruments expelling metallic projectiles, and spot marker guns upon the grounds of any public or private school providing instruction in kindergarten or grades 1 to 12, inclusive.

This bill would also make it a misdemeanor or felony to bring or possess a box cutter, an exacto-type of knife, or ~~an air soft gun~~ *a knife with characteristics similar to an exacto knife*, upon those school grounds. The bill would also expand the prohibition on instruments that expel metallic projectiles by instead prohibiting other types of projectiles, as specified. Because this bill would expand the scope of existing crimes, it would create a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 626.10 of the Penal Code is amended to
2 read:

3 626.10. (a) Any person, except a duly appointed peace officer
4 as defined in Chapter 4.5 (commencing with Section 830) of Title
5 3 of Part 2, a full-time paid peace officer of another state or the
6 federal government who is carrying out official duties while in
7 this state, a person summoned by any officer to assist in making
8 arrests or preserving the peace while the person is actually engaged
9 in assisting any officer, or a member of the military forces of this
10 state or the United States who is engaged in the performance of
11 his or her duties, who brings or possesses any dirk, dagger, ice
12 pick, knife having a blade longer than 2 ½ inches, folding knife
13 with a blade that locks into place, a razor with an unguarded blade,
14 a box cutter, an exacto-type of knife, ~~an air soft gun~~ or a knife with
15 characteristics similar to an exacto knife, a taser, or a stun gun,
16 as defined in subdivision (a) of Section 244.5, any instrument that
17 expels a projectile such as a BB or a pellet, through the force of
18 air pressure, CO₂ pressure, or spring action, or any spot marker
19 gun, upon the grounds of, or within, any public or private school
20 providing instruction in kindergarten or any of grades 1 to 12,
21 inclusive, is guilty of a public offense, punishable by imprisonment
22 in a county jail not exceeding one year, or by imprisonment in the
23 state prison.

24 (b) Any person, except a duly appointed peace officer as defined
25 in Chapter 4.5 (commencing with Section 830) of Title 3 of Part
26 2, a full-time paid peace officer of another state or the federal
27 government who is carrying out official duties while in this state,
28 a person summoned by any officer to assist in making arrests or
29 preserving the peace while the person is actually engaged in
30 assisting any officer, or a member of the military forces of this
31 state or the United States who is engaged in the performance of
32 his or her duties, who brings or possesses any dirk, dagger, ice
33 pick, or knife having a fixed blade longer than 2 ½ inches upon
34 the grounds of, or within, any private university, the University of
35 California, the California State University, or the California

1 Community Colleges is guilty of a public offense, punishable by
2 imprisonment in a county jail not exceeding one year, or by
3 imprisonment in the state prison.

4 (c) Subdivisions (a) and (b) do not apply to any person who
5 brings or possesses a knife having a blade longer than 2 ½ inches
6 or a razor with an unguarded blade upon the grounds of, or within,
7 a public or private school providing instruction in kindergarten or
8 any of grades 1 to 12, inclusive, or any private university, state
9 university, or community college at the direction of a faculty
10 member of the private university, state university, or community
11 college, or a certificated or classified employee of the school for
12 use in a private university, state university, community college,
13 or school-sponsored activity or class.

14 (d) Subdivisions (a) and (b) do not apply to any person who
15 brings or possesses an ice pick, a knife having a blade longer than
16 2 ½ inches, or a razor with an unguarded blade upon the grounds
17 of, or within, a public or private school providing instruction in
18 kindergarten or any of grades 1 to 12, inclusive, or any private
19 university, state university, or community college for a lawful
20 purpose within the scope of the person's employment.

21 (e) Subdivision (b) does not apply to any person who brings or
22 possesses an ice pick or a knife having a fixed blade longer than
23 2 ½ inches upon the grounds of, or within, any private university,
24 state university, or community college for lawful use in or around
25 a residence or residential facility located upon those grounds or
26 for lawful use in food preparation or consumption.

27 (f) Subdivision (a) does not apply to any person who brings an
28 instrument that expels a projectile such as a BB or a pellet, through
29 the force of air pressure, CO₂ pressure, or spring action, or any
30 spot marker gun upon the grounds of, or within, a public or private
31 school providing instruction in kindergarten or any of grades 1 to
32 12, inclusive, if the person has the written permission of the school
33 principal or his or her designee.

34 (g) Any certificated or classified employee or school peace
35 officer of a public or private school providing instruction in
36 kindergarten or any of grades 1 to 12, inclusive, may seize any of
37 the weapons described in subdivision (a), and any certificated or
38 classified employee or school peace officer of any private
39 university, state university, or community college may seize any
40 of the weapons described in subdivision (b), from the possession

1 of any person upon the grounds of, or within, the school if he or
2 she knows, or has reasonable cause to know, the person is
3 prohibited from bringing or possessing the weapon upon the
4 grounds of, or within, the school.

5 (h) As used in this section, “dirk” or “dagger” means a knife or
6 other instrument with or without a handguard that is capable of
7 ready use as a stabbing weapon that may inflict great bodily injury
8 or death.

9 SEC. 2. No reimbursement is required by this act pursuant to
10 Section 6 of Article XIII B of the California Constitution because
11 the only costs that may be incurred by a local agency or school
12 district will be incurred because this act creates a new crime or
13 infraction, eliminates a crime or infraction, or changes the penalty
14 for a crime or infraction, within the meaning of Section 17556 of
15 the Government Code, or changes the definition of a crime within
16 the meaning of Section 6 of Article XIII B of the California
17 Constitution.